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EXAMINER	
LE, LANA N	

ART UNIT	PAPER NUMBER
2618	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/810,369	BARRETT, MICHAEL J.	
	Examiner	Art Unit	
	Lana N. Le	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-42* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☒ Claim(s) *1-42* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-2, 10, 12, 16-17, 20, 22-25, 31, 33, and 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Toler (US 4,056,779).

Regarding claim 1, Toler discloses a system that provides information to a second passenger vehicle (13), to create an information network between the second passenger vehicle (13) and an information source (10), the system comprising:

a first transmitter/receiver unit (11a, 11b) disposed on a first passenger vehicle (11) and adapted to receive an information signal (via 11b) that includes the information from the information source (11c), and to transmit the information signal (via mobile 11a);

a third transmitter/receiver unit (12a) adapted to receive the information signal and to transmit the information signal (transmit to 13a), to provide the information signal between the first transmitter/receiver unit (11a) and the second passenger vehicle (13);

a second transmitter/receiver unit (13a) located on the second passenger vehicle (13), the second transmitter/receiver unit (13a) being adapted to receive the information signal; and

a passenger interface (interface connection from 13b via portable 11c to radio operator 13c) coupled to the second transmitter/receiver unit (via 13b) and adapted to provide at least some of the information for access by a passenger (radio operator) associated with the second passenger vehicle (13).

Regarding claim 2, Toler discloses the system as claimed in claim 1, wherein the third transmitter/receiver unit (12a is replaceable with BS 42) is located on a fixed platform (fixed base station).

Regarding claim 10, Toler discloses the system as claimed in claim 1, wherein the information comprises telecommunications data (radio communication signal).

Regarding claim 12, Toler discloses the system as claimed in claim 1 wherein the third transmitter/receiver unit (12a) is located on a third passenger vehicle (12).

Regarding claim 16, Toler discloses the system as claimed in claim 13, wherein each of the first, second and third passenger vehicles (11, 12, 13) is a ground vehicle (road vehicles communicating with ground base station) and wherein receipt of and transmission of the information signal between the ground vehicles creates a network for the information signal (col 3, line 58 - col 4, line 10).

Regarding claim 17, Toler discloses the system as claimed in claim 12, wherein the third transmitter/receiver unit (12a) is further adapted to transmit the information signal to at least one additional receiver (42).

Regarding claim 20, Toler discloses the system as claimed in claim 1, further comprising an omni-directional antenna that is coupled to the first transmitter/receiver unit and is adapted to receive and transmit the information signal.

Regarding claim 22, Toler discloses the system as claimed in claim 1, wherein the source (11c when the radio operator stays within vehicle 11 similar to portable 13c) is located on the first passenger vehicle (11 instead of fixed station 10).

Regarding claim 23, Toler discloses the system as claimed in claim 1, further comprising a second passenger interface (connection from 11b via portable 11c to radio operator) coupled to the first transmitter/receiver unit (11a, 11b) that is adapted to provide at least some of the information to a passenger (radio operator that stays inside vehicle similar to radio operator of vehicle 13) associated with the first passenger vehicle (11).

Regarding claim 24, Toler discloses receiving (via 11d; fig. 1) an information signal that includes the information at a first passenger vehicle (11),

re-transmitting (from repeater 11b) the information signal (via 11a) from the first passenger vehicle (12), receiving the information signal (at base station 42) and re-transmitting the information signal (via base station antenna) to provide the information signal between the first passenger vehicle (11) and the second passenger vehicle (13);

receiving (via antenna of mobile 13a) the information at the second passenger vehicle (13); and providing (via connectors to 13c) at least some of the information for access by a passenger (radio operator of portable 13c) associated with the second passenger vehicle (13).

Regarding claim 25, Toler discloses the method as claimed in claim 24, wherein the acts of receiving the information signal and re-transmitting the information signal to provide the information signal between the first passenger vehicle (12; fig. 1) and the second passenger vehicle (13) include receiving (via base station receiver at BS 42; col 5, lines 62-66) the information signal at a fixed platform (base station 42) and transmitting from the fixed platform (via base station antenna; col 3, lines 18-37; fig. 1; also base station transmitter 10, col 5, lines 12-16).

Regarding claim 29, Toler discloses the method as claimed in claim 24, wherein the acts of receiving and re-transmitting the information signal include receiving and re-transmitting vital information for the passenger (emergency information pertaining to radio operator of portable 13c inside car; col 3, lines 51-57).

Regarding claim 31, Toler discloses the method as claimed in claim 24, wherein the acts of receiving and re-transmitting the information signal include receiving and re-transmitting telecommunications data (voice signals via base station 42).

Regarding claim 33, Toler discloses the method as claimed in claim 24, wherein Toler discloses the acts of receiving the information signal and re-transmitting the information signal to provide the information signal between the first passenger vehicle (11) and the second passenger vehicle (13) comprise receiving (via antenna at 12a) the

information signal at a third passenger vehicle (12) and re-transmitting (the information signal from the third passenger vehicle (via antenna at 12a, 12d) (col 3, lines 18-37).

Regarding claim 36, Toler disclose the method as claimed in claim 33, wherein the first, second and third passenger vehicles (11, 12, and 13) are ground vehicles (road vehicles communicating with ground base station), and wherein the acts of transmitting and re-transmitting the information signal include transmitting and re-transmitting (via repeaters 11b, 12b, 13b) the information signal between the ground vehicles to create a network for the information signal (col 3, line 58 - col 4, line 10).

Regarding claim 41, Toler discloses the method as claimed in claim 24, wherein the act of receiving the information signal at the first passenger vehicle (11) includes receiving the information signal from a source (portable 11c would be inside vehicle if radio operator remain inside vehicle similar to vehicle 13) located on the first passenger vehicle (11).

Regarding claim 42, Toler discloses the method as claimed in claim 24, further comprising an act of providing at least some of the information to another passenger (radio operator of portable 11c) associated with the first passenger vehicle (11).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 5 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toler (US 4,056,779) in view of Ley et al (US 2,579,591).

Regarding claim 5, Toler discloses the system as claimed in claim 1, wherein Toler does not disclose the information signal comprises a video programming signal. Ley et al disclose the information signal comprises a video programming signal (col 7, lines 50-74). It would have been obvious to one of ordinary skill in the art at the time the invention was made to relay the video programming signal in order to transmit video along with audio information to allow the passengers to watch television on board the vehicle as suggested by Ley et al.

Regarding claim 26, Toler discloses the system and method as claimed in claim 1, wherein Toler does not disclose the acts of receiving and re-transmitting the information signal include receiving and re-transmitting a video programming signal. Ley et al disclose the acts of receiving and re-transmitting the information signal include receiving and re-transmitting a video programming signal (col 7, lines 50-74). It would have been obvious to one of ordinary skill in the art at the time the invention was made to relay the video programming signal in order to transmit video along with audio information to allow the passengers to watch television on board the vehicle as suggested by Ley et al.

5. Claims 6 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toler (US 4,056,779) in view of Grazioli et al (US 5,201,834).

Regarding claims 6 and 27, Toler discloses the system and method as claimed in claims 1 and 24 respectively, wherein Toler does not disclose the acts of receiving and re-transmitting the information signal include receiving (at moving object) and re-transmitting maintenance information (via reflecting signal) for the second passenger vehicle. Grazioli et al disclose receiving and re-transmitting maintenance information (maintenance instructions) for the passenger vehicle (col 1, line 67 – col 2, line 18). It would have been obvious to one of ordinary skill in the art at the time the invention was made to send specific type of information, i.e. maintenance information, in order to monitor the rail vehicle condition and send instructions to keep the vehicle in good conditions, i.e. its brake conditions.

6. Claims 3, 7, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toler (US 4,056,779) in view of Hatano et al (US 5,355,511).

Regarding claim 3, Toler discloses the system as claimed in claim 1 wherein Toler does not further disclose wherein the second passenger vehicle is in an area where no satellite coverage is available. Hatano et al discloses wherein a second passenger vehicle 14A (fig. 1) is in an area where no satellite coverage is available. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a mobile that needs to have relay information from other transceivers when it is not in the coverage area of the satellite for direct communication access.

Regarding claims 7 and 28, Toler discloses the system and method as claimed in claims 1 and 24 respectively, wherein Toler does not disclose the acts of receiving and re-transmitting the information signal include receiving and re-transmitting positional

information of the first passenger vehicle. Hatano et al disclose receiving and re-transmitting positional information of the first passenger vehicle (col 2, lines 43-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include positional information to the vehicles of Toler in order to track and locate the preceding or following vehicle in the chain to relay the signals.

7. Claims 9 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toler (US 4,056,779) in view of Penners et al (US 5,793,762).

Regarding claim 9, Saito discloses the system as claimed in claim 1, wherein Toler does not disclose the information comprises Internet-related data. Penners et al disclose the information include receiving and re-transmitting Internet-related data (col 4, lines 54-56; col 5, lines 35-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit internet related data in order to send user specific web access to the portable carriers of Toler.

Regarding claim 30, Toler discloses the method as claimed in claim 24, wherein Toler does not disclose the acts of receiving and re-transmitting the information signal include receiving and re-transmitting Internet-related data. Penners et al disclose the acts of receiving and re-transmitting the information signal include receiving and re-transmitting Internet-related data (col 4, lines 54-56; col 5, lines 35-60). It would have been obvious to one of ordinary skill in the art at the time the invention was made to Transmit internet related data in order to send user specific web access to the portable carriers of Toler.

8. Claims 11 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toler (US 4,056,779) in view of Arpino (US 4,163,216).

Regarding claim 11, Toler discloses the method as claimed in claim 24, wherein Toler does not disclose the information comprises weather information. Arpino discloses the information comprise weather information (col 4, lines 49-68). It would have been obvious to one of ordinary skill in the art at the time the invention was made to send weather information so that the radio operator can listen to specific weather information related to the vicinity of the vehicle.

Regarding claim 32, Toler discloses the method as claimed in claim 24, wherein Toler does not disclose the acts of receiving and re-transmitting the information signal include receiving and re-transmitting weather information. Arpino discloses wherein the acts of receiving and re-transmitting the information signal include receiving and re-transmitting weather information (col 4, lines 49-68). It would have been obvious to one of ordinary skill in the art at the time the invention was made to send weather information so that the radio operator can listen to specific weather information related to the vicinity of the vehicle.

9. Claims 13-15 and 34-35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toler (US 4,056,779) in view of Sarnoff (US 2,571,386).

Regarding claim 13, Toler discloses the method as claimed in claim 33, wherein Toler does not disclose each of the first, second and third passenger vehicles travel along a line of travel, and wherein the receipt of information signal and transmission of the information signal between the first, second and third passenger vehicles is along a

line of travel. Sarnoff discloses each of the first, second and third passenger vehicles (B, C, D) travel along a line of travel, and wherein the receipt of information signal and transmission of the information signal between the first, second and third passenger vehicles is along a line of travel (col 3, lines 43-45; col 3, line 55 - col 4, line 26). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the vehicles go along a line of travel in order to follow a line of flight in a continuous from origination to destination.

Regarding claim 14, Toler and Sarnoff disclose the system as claimed in claim 13, wherein Sarnoff discloses each of the first, second and third passenger vehicles (B, C, D) is an aircraft (aircraft), and the information network is a sky network (col 4, lines 58-64).

Regarding claim 15, Toler and Sarnoff disclose the system as claimed in claim 14, wherein Sarnoff discloses the aircraft (aircraft) is located along a flight track (line of flight), and wherein the line of travel is along the flight track (col 4, lines 58-64).

Regarding claim 34, Toler discloses the method as claimed in claim 33, wherein Toler does not disclose the acts of transmitting and re-transmitting the information signal include transmitting and re-transmitting the information signal between the first, second and third passenger vehicles along a line of travel of the first, second and third passenger vehicles. Sarnoff discloses a method including transmitting and re-transmitting the information signal between the first, second and third passenger vehicles along a line of travel of the first, second and third passenger vehicles (B, C, D) (col 3, lines 43-45; col 3, line 55 - col 4, line 26). It would have been obvious to one of

ordinary skill in the art at the time the invention was made to have the vehicles go along a line of travel in order to follow a line of flight in a continuous from origination to destination.

Regarding claim 35, Toler and Sarnoff disclose the method as claimed in claim 34, wherein Sarnoff discloses the first, second and third passenger vehicles (B, C, D) are aircraft (aircrafts), and wherein the acts of transmitting and re-transmitting the information signal include transmitting and re-transmitting the information signal between the aircraft along a flight track along which the aircraft are traveling (col 4, lines 58-64).

Regarding claim 37, Toler discloses the method as claimed in claim 33, wherein Toler does not disclose the act of re-transmitting the information from the third passenger vehicle includes re-transmitting the information signal to the second passenger vehicle. Sarnoff discloses the act of re-transmitting the information from the third passenger vehicle (D) includes re-transmitting the information signal to at least one additional passenger vehicle (E). It would have been obvious to one of ordinary skill in the art at the time the invention was made to retransmit to an additional vehicle in order to relay the message to next aircraft in the chain.

10. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toler (US 4,056,779) in view of Stillinger (US 5,982,333).

Regarding claim 19, Toler discloses the system as claimed in claim 18, wherein Toler does not disclose the system further comprising a radome that at least partially surrounds the antenna and that is transmissive to the information signal provided to and

from the antenna. Stillinger discloses the system further comprising a radome that at least partially surrounds the antenna and that is transmissive to the information signal provided to and from the antenna (col 7, lines 25-37; fig. 16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the radome of Stillinger et al to Simon et al in order to have a shield against environmental hazards.

11. Claims 18 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toler (US 4,056,779) in view of Bartholomew (US 5,818,385).

Regarding claim 18, Toler discloses the method as claimed in claim 1, wherein Toler does not disclose the system comprising a directional antenna having focused transmit and reception patterns that is coupled to the first transmitter/receiver unit and is adapted to receive and transmit the information signal. Bartholomew discloses a system comprising a directional antenna having focused transmit and reception patterns that is coupled to the first transmitter/receiver unit and is adapted to receive and transmit the information signal. (fig. 15A; col 44, lines 28-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made have an antenna having a focused transmit pattern in order to achieve a highest gain radiation pattern.

Regarding claim 38, Toler discloses the method as claimed in claim 24, wherein Toler does not disclose the acts of re-transmitting the information signal are performed by re-transmitting the information signal in a focused transmit pattern. Bartholomew discloses the acts of re-transmitting the information signal are performed by re-

transmitting the information signal in a focused transmit pattern (fig. 15A; col 44, lines 28-42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit in a focused transmit pattern in order to achieve a highest gain radiation pattern.

12. Claims 20 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toler (US 4,056,779) in view of Garner et al (US 6,112,085).

Regarding claim 20, Toler discloses the system as claimed in claim 1, wherein Toler does not disclose an omnidirectional antenna that is coupled to the first transmitter/receiver unit and is adapted to receive and transmit the information signal. Garner et al disclose an omnidirectional antenna that is coupled to a first transmitter/receiver unit and is adapted to receive and transmit the information signal. (col 8, lines 17-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit in an omni-directional pattern in order to radiate in all directions in a way for the receiver to have a better chance of receiving the transmitted signal from all angles without having to center the electromagnetic energy in one direction but spread out.

Regarding claim 39, Toler discloses the method as claimed in claim 24, wherein the acts of re-transmitting the information signal are performed by re-transmitting the information signal in an omnidirectional pattern. Garner et al disclose the acts of re-transmitting the information signal are performed by re-transmitting the information signal in an omnidirectional pattern (col 8, lines 17-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit in an omni-

directional pattern in order to radiate in all directions in a way for the receiver to have a better chance of receiving the transmitted signal from all angles without having to center the electromagnetic energy in one direction but spread out.

13. Claims 21 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toler (US 4,056,779) in view of Simon (US 5,530,909).

Regarding claim 21, Toler discloses the system as claimed in claim 1, wherein the second transmitter/receiver unit is located on a satellite. Toler does not disclose the second transmitter/receiver unit is located on a satellite. Simon discloses the second transmitter/receiver unit is located on a satellite (col 5, lines 26-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the vehicular repeater with a relay satellite system in order to repeat a signal via other means to provide satellite broadcast information.

Regarding claim 40, Toler discloses the method as claimed in claim 24, wherein Toler does not disclose acts of receiving the information signal and re-transmitting the information signal to provide the information signal between the first passenger vehicle and the second passenger vehicle include receiving the information signal at a satellite and re-transmitting the information signal from the satellite. Simon discloses acts of receiving the information signal and re-transmitting the information signal to provide the information signal between the first passenger vehicle and the second passenger vehicle include receiving the information signal at a satellite and re-transmitting the information signal from the satellite (col 5, lines 26-32). It would have been obvious to one of ordinary skill in the art at the time the invention was made to relay via a satellite

system in order to repeat a signal via other means to provide satellite broadcast information.

Double Patenting

14. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

15. Claims 1-10, 11, 12-16, 18, 19, 20, 21, 23, 24, 25 are rejected on the ground of nonstatutory double patenting over claims 1-10, 18, 11-15, 16, 20, 17, 19, 1, and 34, 41, 35, and 38 of U.S. Patent No. 6,751,442 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

A system and method of providing information to a second vehicle, to create an information network between the second passenger vehicle and an information source, having a first transmitter/receiver unit; a second transmitter/receiver unit and a second passenger interface for communicating with a second passenger, a third or additional transmitter/receiver unit.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

16. Claims 17 and 22 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,751,442 in view of Toler (US 4,056,779).

Regarding claim 17, Barrett et al disclose the system of claim 1 wherein Barrett et al do not disclose the third transmitter/receiver unit is further adapted to transmit the information signal to at least one additional receiver. Toler discloses the third transmitter/receiver unit (42) is further adapted to transmit the information signal to at least one additional receiver (11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to transmit to an additional receiver in order to relay information to the next receiver.

Regarding claim 22, Barrett et al disclose the system of claim 1, wherein Barrett et al do not disclose the source is located on the first passenger vehicle. Toler discloses the source (13c) is located on the first passenger vehicle (13). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the source located on the vehicle in order to for a passenger to provide user specific information more conveniently from a co-located source.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lana N. Le whose telephone number is (571) 272-7891. The examiner can normally be reached on M-F 9:30-18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lana Le

Lana N. Le
04-30-06
LANA LE
PRIMARY EXAMINER